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6 Attorney for Plaintiff  
KERRY SOPPET

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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
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11 KERRY SOPPET,  
12 Plaintiff,

13 v.

14 THE TEHAMA LAW GROUP, P.C.; and  
15 CYPRESS ASSET RECOVERY SERVICES,  
16 LLC;  
Defendants.

Civil Action No. 4:17-cv-3144

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

**11 U.S.C. § 1692 *et seq.***

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18 KERRY SOPPET, Plaintiff, brings this action against Defendants The Tehama Law  
19 Group, P.C., and Cypress Asset Recovery Services, LLC, for violations of the Fair Debt  
20 Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

21 **JURISDICTION AND VENUE**

22 1. The Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1331  
23 and 15 U.S.C. § 1692k(d).

24 2. Venue is proper in the Northern District of California because a substantial part of  
25 the events giving rise to the claims occurred within the district. *See* 28 U.S.C. § 1391(b)(1).  
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28

3. Pursuant to Local Rule 3-2(c) and (d), this action should be assigned to the San Francisco and Oakland Division of this Court because a substantial part of the events or omissions which gave rise to this lawsuit occurred in Alameda and San Francisco Counties.

**PARTIES**

4. Plaintiff **KERRY SOPPET** is a citizen of the United States, and is a resident of Alameda County, California.

5. Defendant **THE TEHAMA LAW GROUP, P.C.** (“TEHAMA”), is a California corporation, who regularly collects or attempts to collect debts. TEHAMA’S principal office is in San Francisco, California, and TEHAMA may be served with process through its registered agent, Kes Narbutas, 478 Tehama Street, San Francisco, California, 94103.

6. Defendant **CYPRESS ASSET RECOVERY SERVICES, LLC** (“CYPRESS”), is a California limited liability company, who regularly collects or attempts to collect debts. CYPRESS’S principal office is in San Francisco, California, and CYPRESS may be served with process through its registered agent, Kes Narbutas, 478 Tehama Street, San Francisco, California, 94103.

**FACTUAL BACKGROUND**

7. On March 8, 2016, Defendants sent Plaintiff’s wife correspondence, attempting to collect on a debt of \$3,178.12, purportedly owed on a negative balance on a checking account with UNCLE Credit Union.

8. The March 8, 2016 letter, from a person who identifies himself as “Eric Wilson” uses the TEHAMA letterhead. However, there are a number of indicators that the letter is actually sent from CYPRESS, including the fact that Eric Wilson, although he identifies himself as part of The Tehama Law Group, is not actually a licensed attorney. His phone number, 415-946-4126, also appears to be part of the CYPRESS phone tree, which has a main phone line of 415-946-4185. Both CYPRESS and TEHAMA share the same physical address. Further and perhaps most telling, Mr. Wilson’s form letter directs consumers to make their payments online through CYPRESS’s web portal.

9. On April 5, 2016, Plaintiff's wife sent Defendants a letter, disputing the debt, and requesting verification as to its validity.

10. On April 22, 2016, Defendants mailed Plaintiff another collection, and increased the purported amount owed to \$3,228.62.

11. On April 26, 2016, Defendants sent Plaintiff and his wife a written response to their verification request. According to Defendants, they verified the debt, but they did not provide any documentation of such in their response. Defendants also increased the purported balance to \$3,232.10, and threatened to file a lawsuit if the balance is not paid within seven (7) days.

12. For the following month, Plaintiff and his wife started receiving multiple collection phone calls from Defendants every day, attempting to collect this purported debt.

13. On May 24, 2016, Plaintiff called Defendants to gather more information about the debt. During the phone call, Defendants threatened to sue Plaintiff, and falsely accused him of writing a bad check. Plaintiff also demanded that Defendants stop calling him and his wife about the debt at their work numbers, and instead only to communicate with them in writing.

14. On May 31, 2016, despite Plaintiff's request that Defendants not contact him and his wife by phone, Defendants contacted Plaintiff on his office phone. According to the representative on the phone call, who identified himself as James Davis, Defendants were prepared to file criminal charges, and have Plaintiff and his wife arrested if they did not settle the disputed debt.

15. In a letter dated March 9, 2017, Defendants sent Plaintiff and his wife a letter, explaining that they had a ten-day grace period to pay the debt before they would be moving forward with a lawsuit. Enclosed in the correspondence was a draft summons and complaint for the Superior Court of Alameda County, directed to Plaintiff's wife. According to the draft complaint, the balance due was \$3,153.12 plus prejudgment interest. The complaint was purportedly prepared by Attorney Kes Narbutas, but it was not signed, and the date was left partially blank as "March , 2017."

1           16.     Upon information and belief, despite Mr. Narbutas's threats, no lawsuit was filed  
2 against Plaintiff's wife in March 2017.

3           17.     On April 26, 2017, Defendants left Plaintiff a voicemail message, explaining that  
4 a lawsuit has been filed. According to the message:

5                   Jacqueline Joslin... My name is Eric Wilson. Um, I'm calling you  
6                   regarding what is now, um, a pending civil complaint. The Case  
7                   number being CA11928. My call to you is out of courtesy. It's  
8                   very important to reach me. My phone number is 415-946-4126.

9           18.     Upon information and belief, there was not a "pending civil complaint" when Eric  
10 Wilson left the April 26, 2017, message.

11           19.     Upon information and belief, the case number provided by Eric Wilson was  
12 entirely fake. The numbering format cited by Mr. Wilson is not used in any venue where a  
13 lawsuit would have been appropriately filed against Plaintiff and/or his wife.

14           20.     Defendants have used false threats of arrests civil lawsuits as a way to unfairly  
15 cause emotional distress on Plaintiff and his family, and to unlawfully coerce them into paying a  
16 disputed debt.

17           21.     As a result of Defendants' continued harassment and false threats, Plaintiff has  
18 incurred actual damages, including but not limited to emotional distress at the receipt of each  
19 phone call from Defendants.

20                   **CAUSE OF ACTION:**  
21                   Fair Debt Collection Practices Act

22           22.     Plaintiff repeats, realleges, and incorporates by reference all preceding paragraphs  
23 as though fully set forth herein.

24           23.     Defendant TEHAMA is a "debt collector," as defined by the FDCPA, 15 U.S.C. §  
25 1692a(6).

26           24.     Defendant CYPRESS is a "debt collector," as defined by the FDCPA, 15 U.S.C. §  
27 1692a(6).

28           25.     Defendant TEHAMA uses the mail and telephone communications in its business.

1           26. Defendant CYPRESS uses the mail and telephone communications in its  
2 business.

3           27. Defendant TEHAMA regularly collects or attempts to collect debts asserted to be  
4 due to another.

5           28. Defendant CYPRESS regularly collects or attempts to collect debts asserted to be  
6 due to another.

7           29. Defendants have violated the FDCPA. These violations include, but are not  
8 limited to, the following:

- 9           a. Defendants have used false, deceptive, or misleading representations in  
10 connection with the collection of a debt, in violation of 15 U.S.C. § 1692e;  
11           b. Defendants have threatened action that cannot legally be taken or that is not  
12 intended to be taken, in violation of 15 U.S.C. § 1692e(5);  
13           c. Defendants have used false representations or deceptive means to collect or  
14 attempt to collect a debt, in violation of 15 U.S.C. § 1692e(10);  
15           d. Defendants have used unfair and unconscionable means to collect or attempt to  
16 collect a debt, in violation of 15 U.S.C. § 1692f.

17           30. As a result of Defendants' actions, Plaintiff is entitled to an award of actual and  
18 statutory damages, as well as an award of costs and attorney's fees.

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20 **WHEREFORE**, Plaintiff, KERRY SOPPET, requests that this Court:

- 21           (a) Award Plaintiff actual and statutory damages;  
22           (b) Award Plaintiff attorney's fees, litigation expenses, and court costs; and  
23           (c) Grant Plaintiff such other and further relief as is just and proper under the circumstances.

24 Dated: May 31, 2017

J. ERIK HEATH, ATTORNEY AT LAW

/s/ Jon Erik Heath

J. Erik Heath

Attorney for Plaintiff

KERRY SOPPET

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of each and every cause of action so triable.

Dated: May 31, 2017

J. ERIK HEATH, ATTORNEY AT LAW

*/s/ Jon Erik Heath*

J. Erik Heath  
Attorney for Plaintiff  
KERRY SOPPET